

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application, and for the personal interview of January 27, 2005. The application has been carefully reviewed in light of the Office action and interview, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner again objected to the abstract, supposedly for having multiple paragraphs. A new abstract had already been provided in the previously filed amendment, and thus applicant does not understand this objection. Clarification is requested.

Claims 1-15 and 17-31 remain in this application. Claim 16 has been canceled.

Applicant notes that the Examiner agreed, at the personal interview, to reconsider the rejection of claim 28 for the reasons outlined below. It was discussed that the finality of the Office action would thus be improper, and prosecution on the merits would be reopened. Accordingly, the claim amendments presented in this response should be entered and examined.

The Examiner rejected claims 1, 7, 13, 17, 24, 29 and 31 under 35 U.S.C. 103(a) as being unpatentable over Sehr (U.S. 6,085,976), in view of Cousins et al. (U.S. 6,417,797). The Examiner rejected claims 2-3, 9-12, 14-16, 18-20, 26-28, and 30 under 35 U.S.C. 103(a) as being unpatentable over Sehr, in view of Cousins, and further in view of Jachimowicz et al. (EP 0 564 940 A1). Claims 4, 21, and 25 as immediately above in further view of Brown et al. (U.S. 6,366,622). Claims 5-6 and 22-23 were rejected under 35 U.S.C. 103(a) as being

unpatentable over Sehr, in view of Cousins, and further in view of Brown. For the following reasons, the rejections are traversed.

Claim 28 recites a method of checking access permission of a user of public transportation including the step of “controlling said checking operation through the motion of an eye”. The Examiner cited Jachimowicz as teaching this element of the claim.

However, as discussed at the personal interview, Jachimowicz only teaches writing an image on the retina (see Examiner cited sections). There is no teaching of detecting the motion of an eye or using that motion to control a checking operation. At the personal interview, the Examiner agreed to reconsider this rejection of claim 29 in light of this discussion, and to remove the finality of the action should the rejection be improper.

Claim 1, amended as discussed at the personal interview, now recites the steps of:

- visual reproduction of said identification and authorization data with a Virtual Retinal Display (VRD) device to a user of said authorization-checking device,

- verifying the traveler's identity by the user comparing the visual reproduction of said biometric parameter by the VRD to the traveler's outer appearance,

- checking the traveler's authorization by the user viewing the visual reproduction of said authorization data by the VRD, and

- allowing or denying the traveler access to the public transportation after said verifying and checking.

As discussed at the personal interview, none of the cited references teach using a VRD for verifying a travelers identity or checking a traveler's authorization for allowing or denying the traveler *access* to public transportation. Nowhere does Sehr suggest using stored biometric

data to allow or prevent access. Instead, Sehr is all about making reservations, and does not suggest use of visual reproduction of stored data for allowing or not allowing access.

Cousin's mere mention of a VRD device does not support any such visual reproduction of data for the purpose or in the manner recited in the claim, and none of the other references overcome these shortcomings. Accordingly, claim 1 is patentable over the references.

Similarly, claim 24 recites the step of a user "authorizing or denying the customer entry to the access controlled location by utilizing" visual reproduction of "authorization data by [a] virtual retinal display to [the] user". Accordingly, claim 24 is also patentable over the references for similar reasons.

Also in a similar vein, claim 29 recites a system having "means for visual reproduction of said identification and authorization data with a Virtual Retinal Display (VRD) device for allowing a user of said authorization-checking device to verify the customer's identity and to authorize or deny the customer entry to the access controlled location by utilizing said visual reproduction". Accordingly, claim 29 is patentable over the references for similar reasons as claim 1.

Finally, claim 17 recites a "Portable authorization-checking device" with "electrically autonomous feeding means" and "reproduction means with which the received data can be reproduced.". The Examiner appears to have overlooked these limitations of claim 17, and has failed to show where any of the cited references supposedly teach these elements of the claim.

The remaining claims, each of which depends, directly or indirectly, on one of the above cited claims, is patentable for at least the same reason as the parent claim.

Finally, the Examiner has not provided legally sufficient motivation for combining the references. For example, the Examiner states that Cousins teaches using a “virtual retinal display for checking and identifying a person or objects based on their image characteristics to perform a security at airports allows scanning of people or things in real time in order to reduce cost, size and increase portable (sic) of a security system” is hardly a motivation for making the *specific modification* proposed by the Examiner. For example, there is no suggestion of using a VRD to visually examine a person’s authorization to enter a building or use public transportation. Hence, the combination of references is improper, and thus the rejections should be withdrawn.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 09/998,256
Amdt. Dated February 18, 2005
Reply to Office action of October 18, 2004

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 34182.

Respectfully submitted,
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Date: February 18, 2005